

that are not in compliance may be operated for a period not exceeding 7 calendar days and only during the period between one-half hour before sunrise and one-half hour after sunset;

(2) A portable horn may be substituted for a non-complying or missing horn for a period not exceeding seven calendar days;

(3) A fire extinguisher readily available for use may temporarily replace a missing, defective or discharged fire extinguisher on a new on-track roadway maintenance machine for a period not exceeding 7 calendar days, pending the permanent replacement or repair of the missing, defective or used fire extinguisher;

(4) Non-complying automatic change-of-direction alarms, backup alarms, and 360-degree intermittent warning lights or beacons shall be repaired or replaced as soon as practicable within 7 calendar days; and

(5) A structurally defective or missing operator's seat shall be replaced or repaired within 24 hours or by the start of the machine's next tour of duty, whichever is later. The machine may be operated for the remainder of the operator's tour of duty if the defective or missing operator's seat does not prevent its safe operation.

**§214.529 In-service failure of primary braking system.**

(a) In the event of a total in-service failure of its primary braking system, an on-track roadway maintenance machine may be operated for the remainder of its tour of duty with the use of a secondary braking system or by coupling to another machine, if such operations may be done safely.

(b) If the total in-service failure of an on-track roadway maintenance machine's primary braking system occurs where other equipment is not available for coupling, the machine may, if it is safe to do so, travel to a clearance or repair point where it shall be placed out of service until repaired.

**§214.531 Schedule of repairs; general.**

Except as provided in §§214.527(c)(5), 214.529, and 214.533, an on-track roadway maintenance machine or hi-rail vehicle that does not meet all the requirements of this subpart shall be

brought into compliance as soon as practicable within seven calendar days. If repairs are not made within seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be placed out of on-track service.

**§214.533 Schedule of repairs subject to availability of parts.**

(a) The employer shall order a part necessary to repair a non-complying condition on an on-track roadway maintenance machine or a hi-rail vehicle by the end of the next business day following the report of the defect.

(b) When the employer cannot repair a non-complying condition as required by §214.531 because of the temporary unavailability of a necessary part, the employer shall repair the on-track roadway maintenance machine or hi-rail vehicle within seven calendar days after receiving the necessary part. The employer may continue to use the on-track roadway maintenance machine or hi-rail vehicle with a non-complying condition until receiving the necessary part(s) for repair, subject to the requirements of §214.503. However, if a non-complying condition is not repaired within 30 days following the report of the defect, the employer shall remove the on-track roadway maintenance machine or hi-rail vehicle from on-track service until it is brought into compliance with this subpart.

(c) If the employer fails to order a part necessary to repair the reported non-complying condition, or if it fails to install an available part within the required seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be removed from on-track service until brought into compliance with this subpart.

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine

or hi-rail vehicle or at a location designated by the employer.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

Section	Violation	Willful
<b>Subpart B—Bridge Worker Safety Standards</b>		
214.103 Fall protection:		
(i) Failure to provide fall protection .....	\$5,000	\$10,000
(ii) Failure to use fall protection .....		2,500
214.105 Standards and practices:		
(a) General:		
(1) Fall protection used for other purposes .....	2,500	5,000
(2) Failure to remove from service .....	2,500	5,000
(3) Failure to protect from deterioration .....	2,500	5,000
(4) Failure to inspect and remove .....	5,000	10,000
(5) Failure to train .....	5,000	10,000
(6) Failure to provide for prompt rescue .....	5,000	10,000
(7) Failure to prevent damage .....	2,500	5,000
(8) Failure to use proper connectors .....	2,500	5,000
(9) Failure to use proper anchorages .....	2,500	5,000
(b) Fall arrest system:		
(1)–(17) Failure to provide conforming equipment .....	2,500	5,000
(c) Safety net systems:		
(1) Failure to install close to workplace .....	2,500	5,000
(2) Failure to provide fall arrest if over 30 feet .....	5,000	10,000
(3) Failure to provide for unobstructed fall .....	5,000	10,000
(4) Failure to test .....	2,500	5,000
(5) Failure to use proper equipment .....	2,500	5,000
(6) Failure to prevent contact with surface below .....	5,000	10,000
(7) Failure to properly install .....	5,000	10,000
(8) Failure to remove defective nets .....	5,000	10,000
(9) Failure to inspect .....	5,000	10,000
(10) Failure to remove objects .....	1,000	2,500
(11)–(13) Failure to use conforming equipment .....	2,500	10,000
214.107 Working over water:		
(a)(i) Failure to provide life vest .....	5,000	10,000
(ii) Failure to use life vest .....		1,500
(c) Failure to inspect .....	2,500	5,000
(e)(i) Failure to provide ring bouys .....	5,000	10,000
(ii) Failure to use ring bouys .....		1,500
(f)(i) Failure to provide skiff .....	1,000	2,500
(ii) Failure to use skiff .....		1,500
214.109 Scaffolding:		
(a)–(f) Failure to provide conforming equipment .....	2,500	5,000
214.113 Head protection:		
(a)(i) Failure to provide .....	2,500	5,000
(ii) Failure to use .....		1,500
(b) or (c) Failure to provide conforming equipment .....	2,500	5,000
214.115 Foot protection:		
(a)(i) Failure to require use of .....	2,500	5,000
(ii) Failure to use .....		1,500
214.117 Eye and face protection:		
(a)(i) Failure to provide .....	2,500	5,000
(ii) Failure to use .....		1,500
(b) Failure to use conforming equipment .....	2,500	5,000
(c) Use of defective equipment .....	2,500	5,000
(d) Failure to provide for corrective lenses .....	2,500	5,000
<b>Subpart C—Roadway Worker Protection Rule</b>		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program .....	10,000	20,000
(b) On-track Safety Program of a railroad includes no internal monitoring procedure .....	5,000	10,000
214.305 Compliance Dates:		
Failure of a railroad to comply by the specified dates .....	5,000	10,000
214.307 Review and approval of individual on-track safety programs by FRA:		
(a)(i) Failure to notify FRA of adoption of On-track Safety Program .....	1,000	5,000
(ii) Failure to designate primary person to contact for program review .....	1,000	2,000
214.309 On-track safety program documents:		
(1) On-track Safety Manual not provided to prescribed employees .....	2,000	5,000
(2) On-track Safety Program documents issued in fragments .....	2,000	5,000
214.311 Responsibility of employers:		
(b) Roadway worker required by employer to foul a track during an unresolved challenge .....	5,000	10,000